

## OLD COB PIPE SAVES HIS LIFE

### Man Convicted Murder Now Wealthy.

#### Romance in the Career of "Diamondfield Jack" Davis.

Judge Powers Tells How He Became  
Confident of Innocence of  
Man He Convicted.

This is a story of how an old cob pipe played an important part in saving the life of a man convicted of murder and of how the saving of the life may bring a large fortune to another man.

Down in the New Goldfield mining district in Nevada is a camp called Diamondfield. It did not receive its name from the fact that diamonds have been discovered there, but from the circumstance that the best claims in the camp were located by "Diamondfield Jack" Davis, who, according to late reports is likely soon to be a multimillionaire.

Back in the early and middle nineties, "Diamondfield Jack" was a trusted range rider in the employ of the Sparks-Herold Cattle company in Idaho. In those days there was much friction between the cattle men and the sheep men, and on the range covered by "Diamondfield Jack" it is said that a "dead line" had been established, which the sheep men were forbidden to cross with their flocks.

Was a Real Cowboy.

"Diamondfield Jack" at that time, was a real cowboy. He was known to be loyal to his employers, rather a violent partisan of the cattle men generally, in fact, and it was even reported that he had been in some pretty sanguine encounters with certain ones who had disputed the rights for which he contended.

When, therefore, on February 16, 1896, John C. Wilson, a sheep herder, and his companion, a man named Cummings, were found dead in their camp on disputed ground, evidently murdered, and it was further discovered that "Diamondfield Jack" and his partner, Jack Gleason, had been in that locality about the time the killing took place, they were promptly arrested for the crime.

Bitter Legal Contest.

Jack Davis was placed on trial first, and it was one of the most closely contested murder trials in the history of Idaho. Gov. Sparks, who believed implicitly in the innocence of his employees, retained A. I. Perky and Hawley & Pickett of Boise to defend Davis, while Judge O. W. Powers of this city and Judge Borah of Boise were employed to assist in the prosecution. Every inch of ground was fought over carefully, the evidence was all circumstantial and the defendant came very near proving an alibi—it having been necessary for Davis and Gleason to have made an almost impossible ride in order to have been at the sheep men's camp at the time it was proved they were killed. But Davis was convicted of murder in the first degree. His case went to the supreme court of Idaho, and to the Federal Court of Appeals, but he was beaten at every turn and the date of his execution was finally fixed, with only the possible clemency of the Governor to intervene.

Powers Pleads for Man's Life.

Then it was that Judge O. W. Powers who had done at least as much as any other man to convict Davis, became convinced, largely upon the strength of new evidence discovered, that Davis was innocent. Judge Powers thereupon went before the Governor of Idaho and pleaded for the commutation of

Davis's sentence to life imprisonment, which was granted. Later, he presented to the Governor a written argument for an absolute pardon for Davis, and this was also granted.

What Raised a Doubt.

When Judge Powers was yesterday reminded of the celebrated case he said: "Do you know the first thing that raised a doubt in my mind as to the guilt of 'Diamondfield Jack' was an old cob pipe, which was found under the wagon in which laid the bodies of the murdered sheep men. The pipe was introduced in evidence by the prosecution, and at the time this was done, I happened to be looking in the face of a witness for the prosecution, a man named Bowers. An expression passed over this man's face which showed that he was peculiarly affected. I said then to one of my colleagues that Bowers knew something about that pipe, but the others thought there was nothing to it and the incident was passed over at the time. But the doubt created in my mind then helped to convince me when further evidence, tending to prove Davis's innocence, was presented.

Bowers Made Confession.

Bowers, who once ran a meat market at Ogden, afterward confessed that it was he and another man who killed the sheep men, and he told them of the old cob pipe having been knocked from his mouth in the struggle which took place. He set up the plea of self-defense and was acquitted. Davis's partner, Gleason, was acquitted before this confession was made, a fact which probably helped in securing Davis's commutation of sentence.

A prominent citizen of Salt Lake who returned yesterday from Goldfield, reports that there is every indication that the district will be a strong rival of Cripple Creek, even if it does not excel that camp in the production of gold, and he says that "Diamondfield Jack" is undoubtedly the owner of some of the best ground in the new district. Jack was engaged in stocking a large company, in which his claims will figure prominently, and he told the Salt Lake citizen that the first thing he should do when the stock was issued would be to send Judge Powers a large block of shares.

#### BIG REAL ESTATE DEAL IS RECORDED

The transfer of two pieces of real estate in the business section of the city to former Mayor Ezra Thompson from Philip Pugsley, was recorded in the office of the County Recorder yesterday. The property consists of one piece 16 1/2 x 50 feet and another 20 feet by 10 rods, fronting on the south side of East Second South street near State street. The property adjoins other real estate owned by Mr. Thompson and one-story buildings stand on both plots. The total consideration mentioned in the deed is \$33,000.

Inspects Street Car Barns.

Karl A. Scheid, surveyor in charge of the Pacific Board of Underwriters yesterday examined the local electric car barns to see if they conformed to the new schedule adopted by the Board. He expressed gratification at the improvement of the last six months in the arrangement and condition of the plant. The surveyor also complimented Fire Chief Bywater, who has been doing excellent work in the way of inducing persons to clean up the accumulations of rubbish about their premises, thus greatly lessening the danger from fire. Mr. Scheid went through the business section just before the Fourth and was surprised to find such a marked improvement.

Skull Crushed in Mine.

Robert Lowry, who had his skull fractured in the Utah Copper company's mine at Bingham, is in a very critical condition. He was taken to the Keogh-Wright hospital yesterday where he is being nursed, but grave fears are entertained for his life. The fracture was caused by a cave in the mine where Lowry and his partner were working. Part of the roof fell in without any warning, knocking him unconscious instantaneously.

Will Not Dissolve Parliament.

LONDON, July 6.—At a dinner given by the Unionist members of the House of Commons tonight Premier Balfour announced that under no circumstances would there be a dissolution of parliament this year unless he should fail to secure the support of his colleagues.

NEW YORK, July 6.—The Federal grand jury today resumed its investigation into the loss of the steamship General Slocum and the consequent loss of over 500 lives. United States District Attorney Wess directed the inquiry.

The Great Sale of Summer Wash Goods—Today.

Wash dress fabrics of every kind. Household linens. Splendid reductions. WALKER'S STORE.

## OPENING UP THE ANCIENT MINES

### A. W. McCune on Perus' Wealth of Copper

#### Properties Which Have Been Worked Two Hundred and Seventy Four Years.

With a Big American Syndicate He Is to Operate the Rich Mines.

"South America is enthusiastic over the success of the Panama canal enterprise," said A. W. McCune last night, who has just arrived home. "That canal will assist in the development of the great resources of the South American republic as no other business enterprise possibly could. When it was known the canal would be completed by the United States there was great rejoicing."

Mr. McCune has just returned from an extensive trip to Peru, where he has extensive mining interests. He is elated over the progress being made in the development of his properties and will return as soon as he can pay his family a visit and attend to some important business matters here.

"The mines we are developing at Cerro de Pasco, Peru," said Mr. McCune, "were first discovered in 1530. They were operated for more than 270 years in the cruelest possible way. Our company has already expended more than \$3,000,000 in the construction of railways, the building of shafts and in equipping the mines with the most improved machinery."

"We shall spend fully \$10,000,000 by the time the plans agreed on are carried out. By the end of the year a mammoth smelter will have been constructed and the whole of our railway system will be complete. We have built a road from Oroya to Cerro de Pasco, a distance of 85 miles. There will be 115 miles of railway as a part of our property. We are employing at this time an average of 2000 men. Five hundred work in the mines and about that number in the smelter."

"The mining enterprise at Cerro de Pasco is one of the greatest ever attempted in the world. Of course, we do not know for certain how it will develop but the prospects are certainly all we could desire. We are now opening five thoroughly equipped shafts and I am glad to say they are all paid for."

Mr. McCune has been interested in these ancient Peruvian copper mines for about three years. He is one of the most practical mining men in the country and he is giving his personal attention to the enterprise, bringing to bear on the properties his long experience in the United States. He says the climate is fine, that his health has been good and that the Peruvians have a good system of government.

#### HAPPENINGS ABROAD

TROMSO, Norway, July 6.—The Champ expedition sailed from here today on the steamer Frithjof for the relief of the Sigler Fjeld polar expedition on board the steamer America at Franz-Josef Land, for which part of the world he sailed on June 23, 1903, intending to winter there and send expeditions north.

MESSINA, July 6.—Acting upon instructions from Rome, authorities here have arrested Capt. Ercolesio, of the Italian Assembly, and his wife, on the charge of high treason in selling to agents of foreign powers plans for the mobilization of Italian forces in Sicily.

SEOUL, July 6.—It is definitely reported that an epidemic of cholera is spreading throughout Manchuria and already has reached Antung.

## HERE TO ASK UTAH TO MAKE EXHIBIT

J. P. Marshall of the Portland Exposition Consults With Merchants.

Captivated by the amazing splendors of the Louisiana Purchase exposition all eyes at present are turned to St. Louis, but Utah and her sister States have not forgotten that the Lewis and Clark exposition offers them their first chance of exploiting their own products on their own territory. The Portland exhibit is not primarily an Oregon exhibit, but a Western exhibit from which the entire West is to be benefited.

Never before has such an exhibit been possible in the West, nor would it now be except for the St. Louis exposition. The Portland exposition will represent an expenditure of \$5,000,000, but in addition it should be remembered that all the costly exhibits collected from all parts of the world for St. Louis will be removed to Portland. In addition Congress has voted an appropriation of \$15,000 and will install its excellent St. Louis exhibit in some fine government buildings which are nearly completed. Oregon has voted an appropriation of \$450,000 while the citizens of Portland have shown their spirit and confidence by subscribing \$420,000. The West especially will be represented, but many of the more distant States are planning to make a good showing. Already the States of Missouri, Minnesota and North Dakota have arranged to transport their St. Louis exhibitions to Portland, while New York and Massachusetts have voted to do likewise and have also made large appropriations. Most of the other States will follow as soon as their State Legislatures convene this fall. Many of the foreign exhibits now installed at St. Louis will also be transferred to Portland, while those from the Orient will be especially enlarged. The foreign exhibits will be brought to Portland in warships belonging to the several countries and this will result in a grand, unprecedented naval display.

Utah recognizes that she has received a great deal of valuable advertising from the St. Louis fair and has determined to take due advantage of the opportunity offered by the Portland ex-

position. The State has already appropriated \$10,000 and will transport her St. Louis exhibit to Portland. It would be difficult to improve the present exhibit. It might be rendered more attractive if placed in a neat building. By making a good exhibit people who miss Utah in going to the exhibit would be influenced to pass through when returning home, it is urged. As the railroads will be liberal in allowing stop-overs, tourists will be given a better conception of the State, its products and resources.

J. P. Marshall, special commissioner of the exposition, was in town yesterday talking with the prominent business men. He was cordially received and his suggestions were listened to with great interest. The local business men will probably organize a club for the purpose of promoting a State exhibit and assisting the State committee.

## Debarred on Account of Color

Four Filipino Students Shut Out From Dupont Manual Training High School, Louisville.

LOUISVILLE, Ky., July 6.—The State board has instructed the high school board to inform four Filipino students who applied for admission to the Dupont Manual Training High school that their color bars them from the privileges of the public schools. When the request that the Filipino boys be allowed free admittance to the school was presented to the board Dr. R. E. Galvin, inquired if Filipinos are not negroes. Prof. Mark said he had investigated the law as to the separation of races in the schools and found that the word "colored" applied to negroes, Indians and other brown races.

ST. PETERSBURG, July 6.—The military critics generally take the view that serious military operations in southern Manchuria are over until the rainy season has ended, and that in the meantime the Japanese will devote themselves to the siege of Port Arthur.

## Widow Fatally Shot in Boise

Mrs. Alice Mitchell Wounded by Her Flance, Three Shots Taking Effect.

BOISE, Ida., July 6.—Mrs. Alice Mitchell, widow, was fatally shot tonight by Bert Hayward. They were engaged. Hayward accused her of intending to break off with him and leave the city. He walked up to where she was sitting on her doorstep this evening and, after quarreling with her, drew a revolver and fired three shots. One grazed her shoulder and two passed through her body from the back. Hayward escaped towards the river and has not been found. He has been an employee of the gas plant.

#### NEWS NOTES BY WIRE.

CINCINNATI, July 6.—Judge Harmon, having received dispatches today from different parts of the State, based on newspaper reports of dissensions in the Ohio delegation at St. Louis, criticizing some delegates, gave the Associated Press the following signed statement: "I am satisfied with the conduct of my friends at St. Louis. They are on the ground and best know the situation."

ST. LOUIS, July 6.—After cutting the throat of Mrs. Marie Kerr, with whom he had been living, Edgar L. Evans, 22 years old, today slashed his wrists with the same razor and then cut his throat. The woman is dead, the man is dying. Jealousy was the cause.

NEW YORK, July 6.—In the fire which destroyed the Kamack cottage at Tuxedo park, New York, the jewels of Mrs. Bernard Steinman of New Orleans, worth several hundred thousand dollars, were so damaged that they probably will be worthless hereafter. The cottage was valued at nearly \$1,000,000.

WASHINGTON, July 6.—Today's statement of the treasury balances shows available cash balance, \$152,923,935; gold, \$64,256,126.

MURKIN, July 6.—Rain is falling very

## OLD AND NEW WAY Hyomei the Latest Scientific Discovery for the Cure of Catarrh.

The discovery of Hyomei has wrought a wonderful change in the treatment of catarrh.

Prior to three years ago the medicines ordinarily employed in the cure of this disease were nauseating drugs or worthless tonics. In some instances they benefited, but the improvement was not lasting.

With Hyomei you take into the passages of the throat and head a balsamic air that goes into the minute cells, effectually killing all germs and microbes of catarrh. It enters the blood, with the oxygen, killing the germs, the blood, and restores health to the whole system. Many astonishing testimonials have been received from those who have been cured by Hyomei. A complete outfit costs but \$1.00, an inhaler, an inductor, dropper and sufficient Hyomei for several weeks' treatment.

Perhaps the strongest evidence that can be given to doubters is the fact that F. C. Schramm has so much faith in Hyomei that he sells every package under a positive guarantee to return the money if it does not cure.

Now is the time to begin the use of Hyomei.

#### CURE FOR HAY FEVER.

Hyomei is a positive cure for the sneezing, watering of the eyes, and a severe running at the nose, and internal burning of hay fever. It soothes, heals the irritated mucous membrane and gives quick and lasting relief.



Hattie Rogers.  
She is the fourteen-year-old daughter of the woman with whom Frederick Hugson boarded in Collinsville, N. J. It was the gossip about the girl and Hugson that led to his being driven from the town after a mob of women tried to lynch him.

## ALLEN'S FOOT-EASE

For Tired, Aching, Smarting, Swollen Feet.

SHAKE INTO YOUR SHOES.  
Allen's Foot-Ease, a powder. It cures painful, smarting feet and ingrowing nails, and instantly takes the sting out of corns and bunions. It's the greatest comfort discovery of the age. Makes tight or new shoes easy. A certain cure for sweating, callous and hot, tired, aching feet. Testimonials. Sold by all Druggists and Shoe stores. 25c. Don't accept a substitute. Trial package FREE. Address, Allen S. Olmsted, Le Roy, N. Y., U. S. A.

heavily here. Several of the Chinese bridges have been carried away. The movements of large bodies of troops and transports have been stopped.

LIANG YANG, July 6.—Troops here have suffered from a second day of terrible heat, the thermometer registering 106 Fahrenheit. No more rain has fallen here.

LONDON, July 6.—The Associated Press learns from a high British source that exchanges of views are taking place between America and Great Britain with respect to Tibet. Being a dependency of China, the fate of Tibet is of considerable importance, especially to America.

PARIS, July 6.—The parliamentary committee which is investigating the Chamber charges has drawn up a report exonerating Premier Combes and his son, Edward Combes, Secretary-General of the Ministry of the Interior, on the ground that the testimony does not show anything impeaching their honor.

# Our Great... Semi-Annual CLEARANCE SALE



Read the Terrific Reductions and Don't Forget the Little Ones.

## Entire Stock of Infants' Wear, Thursday, Friday and Saturday at LESS THAN NEW YORK COST!

Owing to our tremendous stock, more heavy at this season of the year than it should be by half, we have decided to lose a big portion of the original cost, thus sacrificing the entire stock at lower prices than have ever before been offered to the buying public.

Infants' Long Slips.	CHILDREN'S SHORT DRESSES	Skirts, Booties, Sacques, Shawls, Carriage Covers
Infants' long white muslin slips, neck and sleeves ruffled, trimmed, worth \$1.75..... 17c	Children's short white dresses of muslin, round tucked yoke, trimmed with embroidery, worth 75c..... 25c	Infants' long white muslin skirts, trimmed with hemstitched tucks and ruffles, worth \$1.50..... 55c
Infants' long slips of white muslin, neck and sleeves trimmed with fine embroidery, worth \$2.00..... 39c	Children's short white lawn dresses, low neck and short sleeves, collar trimmed with lace and embroidery, worth \$1.00..... 50c	Infants' long white muslin skirts, trimmed with fine tucks and lace ruffles, worth \$1.25..... 83c
Infants' long slips of white muslin, round yoke of fine tucks, trimmed with embroidery ruffle, skirt trimmed with fine tucks and embroidery, worth \$1.25..... 50c	Children's short dresses of white lawn and muslin, high or low neck, French or Mother Hubbard shape yokes trimmed with lace or embroidery, worth \$1.00..... 59c	Infants' long white muslin skirts, trimmed with fine tucks and lace ruffles, worth \$1.00..... 98c
Infants' long slips of white muslin, round yoke of fine tucks, skirt trimmed with fine tucks and embroidery, worth \$1.00..... 79c	Children's short dresses of white lawn and muslin, high or low neck, French or Mother Hubbard shape yokes trimmed with lace or embroidery, worth \$1.00..... 59c	Infants' knit wool booties, in white, pink or blue, worth 10c..... 7c
Infants' long slips of white muslin, round yoke of fine tucks, skirt trimmed with fine tucks and embroidery, worth \$1.00..... 79c	Children's short dresses of white lawn and muslin, high or low neck, French or Mother Hubbard shape yokes trimmed with lace or embroidery, worth \$1.00..... 59c	Infants' knit wool booties, in white, pink or blue, worth 10c..... 14c
Infants' long slips of white muslin, round yoke of fine tucks, skirt trimmed with fine tucks and embroidery, worth \$1.00..... 79c	Children's short dresses of white lawn and muslin, high or low neck, French or Mother Hubbard shape yokes trimmed with lace or embroidery, worth \$1.00..... 59c	Infants' speckled wool gaiters in white and pink or white and blue, worth 10c..... 48c
Infants' long slips of white muslin, round yoke of fine tucks, skirt trimmed with fine tucks and embroidery, worth \$1.00..... 79c	Children's short dresses of white lawn and muslin, high or low neck, French or Mother Hubbard shape yokes trimmed with lace or embroidery, worth \$1.00..... 59c	Large white flannel wool shawls, in fine crocheted or knit, worth \$1.50..... \$1.32
Infants' long slips of white muslin, round yoke of fine tucks, skirt trimmed with fine tucks and embroidery, worth \$1.00..... 79c	Children's short dresses of white lawn and muslin, high or low neck, French or Mother Hubbard shape yokes trimmed with lace or embroidery, worth \$1.00..... 59c	White crocheted shawls of fine pique, trimmed with fancy embroidery, worth \$1.75..... 82c